

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	
	:	Bankruptcy No. 17-24814-JAD
ERIC JOSEPH KAMINSKY,	:	
	:	Related Doc. No. 77
	:	
<i>Debtor.</i>	:	Chapter 7
	:	

**ORDER CONVERTING CASE UNDER CHAPTER 13
TO CASE UNDER CHAPTER 7, SETTING DEADLINES,
SCHEDULING STATUS CONFERENCE, AND
TERMINATING WAGE ATTACHMENT**

The Debtor has filed a Motion To Convert Debtor's Chapter 13 Bankruptcy Case To Chapter 7 in accordance with *11 U.S.C. §1307(a)* converting this case to a case under chapter 7 of the Bankruptcy Code (title 11 of the United States Code).

It is **ORDERED, ADJUDGED, and DECREED** that:

- (1) Any party-in-interest that challenges the good faith of the conversion shall, on or before ***October 8, 2020***, file a motion setting forth the basis of the challenge and specifically identifying the relief requested in the event conversion is found not to have been made in good faith.
- (2) The wage attachment(s) issued in this case are immediately ***TERMINATED***. The Debtor shall serve a copy of this order on the employer(s).
- (3) ***No later than September 24, 2020***, the Debtor shall file a schedule of all unpaid debts incurred after the commencement of the chapter 13 case and before conversion. *Bankruptcy Rule 1019(5)(B)(i)*.
- (4) ***No later than September 24, 2020***, the Debtor shall file the statements and schedules required by *Bankruptcy Rules 1019(1)(A)* and *1007(b)*, if such documents have not already been filed.
- (5) ***No later than October 13, 2020***, the Debtor shall file a statement of intention with respect to retention or surrender of estate property which secures a debt, as required by *11 U.S.C. §521(a)(2)*, *Bankruptcy Rule 1019(1)(B)*, and conforming to *Official Form 108*.

- (6) The chapter 13 trustee forthwith shall turn over to the chapter 7 trustee all records and property of the estate remaining in the chapter 13 trustee's custody and control, as required by *Bankruptcy Rule 1019(4)*, except that any remaining funds that do not constitute property of the chapter 7 estate shall be returned to the Debtor.
- (7) ***Within 60 days*** of the date of this Order, the chapter 13 trustee shall file an accounting of all receipts and distributions made. Jurisdiction over the chapter 13 trustee's certification of disbursements of funds and final report and account remains assigned to the Honorable Jeffery A. Deller Bankruptcy Judge.
- (8) ***No later than October 13, 2020***, the Debtor shall, if the case is converted after the confirmation of a plan, file:
 - (a) a schedule of all property not listed in the final report and account of the chapter 13 trustee which was acquired after the commencement of the chapter 13 case but before the entry of this conversion order, *Bankruptcy Rule 1019(5)(C)(i)*;
 - (b) a schedule of unpaid debts not listed in the chapter 13 trustee's final report and account, *Bankruptcy Rule 1019(5)(C)(ii)*; and,
 - (c) a schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the chapter 13 case but before the entry of this conversion order, *Bankruptcy Rule 1019(5)(C)(iii)*.

The schedule of claimants under (b) of this paragraph shall be filed by entering additional claimants into the CM/ECF system via "Creditor Maintenance." A list of said claimants shall be attached to the Bankruptcy Rule 1019 Report.

It is **FURTHER ORDERED** that if the Debtor fails to file the documents required by this Order and Bankruptcy Rule 1019 by the aforesaid dates, a status conference shall be held on **Tuesday, October 27, 2020, at 10:00 AM**, at **tcjad Telephone Conference - Deller**, to determine whether additional relief is necessary to compel compliance with the terms of this Order.


It is **FURTHER ORDERED** that the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*. If the reports and schedules per Paragraphs 3, 8(b) and 8(c) of this Order are filed in time for the Clerk to include post-petition creditors in the §341 notice mailing, the Clerk shall so include the post-petition creditors in that mailing. If said report and schedules are not filed in time for inclusion of the post-petition creditors, ***within ten (10) days of the filing of said report and schedules***, the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*.

It is **FURTHER ORDERED** that *within forty-five (45) days* of this Order, all chapter 13 fee petitions by any professional shall be self-scheduled and filed with the Clerk of the Bankruptcy Court. The fee petition shall be captioned "Chapter 13 Fee Petition in Converted Case" and the hearing shall be self-scheduled on Judge Deller's chapter 13 motions calendar.

It is **FURTHER ORDERED** that *within five (5) days* hereof Counsel for Debtor shall ***IMMEDIATELY SERVE*** a copy of this Order on all creditors in the above case and shall ***file a Certificate of Service*** with the Clerk of the Bankruptcy Court.

It is **FURTHER ORDERED** that the Court retains jurisdiction over the Chapter 13 Trustee's Report of Receipts and Disbursements and Final Report and Account. Upon submission of the UST Form 13-FR-S: Chapter 13 Trustee's Final Report and Account, the Chapter 13 Trustee is discharged from her duties in this case

Dated: September 10, 2020



Jeffery A. Deller mas
United States Bankruptcy Judge

CASE ADMINISTRATOR SHALL SERVE:
All Creditors and Parties in Interest

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Eric Joseph Kaminsky
 Debtor

Case No. 17-24814-JAD
 Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-2

User: culy
 Form ID: pdf900

Page 1 of 2
 Total Noticed: 25

Date Rcvd: Sep 10, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 12, 2020.

db
 14737278 #+Eric Joseph Kaminsky, 352 Thompson Road, Chicora, PA 16025-4512
 14737277 +BHS FASTER CARE PLLC, PO Box 1549, Suite 550, Butler, PA 16003-1549
 14737279 +Best Buy/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 14737281 +Brand Source, PO Box 9001006, Louisville, KY 40290-1006
 14737282 +Butler Emergency Physicians, PO Box 3478, Allentown, PA 18106-0478
 14737283 +Butler Imaging & Interventional Assoc., 7 Acee Drive, Natrona Heights, PA 15065-9700
 14737284 +Butler Medical Providers, Suite 001, PO Box 1549, Butler, PA 16003-1549
 14737290 +Butler Memorial Hospital, One Hospital Way, Butler, PA 16001-4697
 14755503 ++COLLECTION SERVICE CENTER INC BUTLER PA, PO BOX 1623, BUTLER PA 16003-1623
 14737289 (address filed with court: Collection Service Center, PO Box 1623, Butler, PA 16003)
 14737293 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14770272 +Clearview Federal Credit Union VISA, PO Box 71050, Charlotte, NC 28272-1050
 14737297 +Credit Control Group, 11821 Rock Landing Drive, Newport News, VA 23606-4225
 14751532 +FBC Mortgage, LLC, 425 Phillips Boulevard, Ewing, NJ 08618-1430
 14737297 +FBC Mortgage, LLC, 189 S. Orange Ave., Ste 970, Orlando, FL 32801-3264
 14751532 +Northwest Bank, PO Box 337, Warren PA 16365-0337

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14737280 +E-mail/Text: dl-collectionsbankruptcyteam@drivetime.com Sep 11 2020 04:18:34 Bridgecrest,
 PO Box 53087, Phoenix, AZ 85072-3087
 14746494 +E-mail/Text: dl-collectionsbankruptcyteam@drivetime.com Sep 11 2020 04:18:34
 Bridgecrest Credit Company, LLC, PO BOX 29018, PHOENIX, AZ 85038-9018
 14737291 E-mail/Text: bankruptcy@credcontrol.com Sep 11 2020 04:17:36 Credit Control Corp,
 11821 Rock Landing Drive, Newport News, VA 23606
 14737285 +E-mail/Text: bankruptcy@clearviewfcu.org Sep 11 2020 04:18:15
 Clearview Federal Credit Union, 8805 University Blvd., Coraopolis, PA 15108-4212
 14737296 +E-mail/Text: collect@ccsroanoke.com Sep 11 2020 04:18:36 Creditors Collection Service,
 4530 Old Cave Spring Road, Roanoke, VA 24018-3423
 14933956 E-mail/Text: JCAP_BNC_Notices@jcap.com Sep 11 2020 04:18:26 JEFFERSON CAPITAL SYSTEMS LLC,
 PO Box 7999, St Cloud MN 56302
 14737298 E-mail/Text: PBNCNotifications@peritussservices.com Sep 11 2020 04:17:37 Kohl's,
 PO Box 3043, Milwaukee, WI 53201-3043
 14767085 E-mail/PDF: resurgentbknknotifications@resurgent.com Sep 11 2020 04:22:00
 LVNV Funding, LLC its successors and assigns as, assignee of Arrow Financial Services,,
 LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14737300 +E-mail/PDF: RACBANKRUPTCY@BBANDT.COM Sep 11 2020 04:22:32 Regional Acceptance Corp.,
 1424 E. Fire Tower Road, Greenville, NC 27858-4105
 14751149 E-mail/PDF: RACBANKRUPTCY@BBANDT.COM Sep 11 2020 04:22:32 Regional Acceptance Corporation,
 PO Box 1847, Wilson, NC 27894-1847

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr FBC Mortgage, LLC
 cr FBC Mortgage, LLC
 cr* ++JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999
 (address filed with court: Jefferson Capital Systems, PO Box 7999,
 St Cloud, MN 56302-9617)
 14737292* ++CREDIT CONTROL CORPORATION, ATTN CREDIT CONTROL CORPORATION, 11821 ROCK LANDING DR,
 NEWPORT NEWS VA 23606-4225
 (address filed with court: Credit Control Corp, 11821 Rock Landing Drive,
 Newport News, VA 23606)
 14737286* +Clearview Federal Credit Union, 8805 University Blvd., Coraopolis, PA 15108-4212
 14737287* +Clearview Federal Credit Union, 8805 University Blvd., Coraopolis, PA 15108-4212
 14737288* +Clearview Federal Credit Union, 8805 University Blvd., Coraopolis, PA 15108-4212
 14737294* +Credit Control Group, 11821 Rock Landing Drive, Newport News, VA 23606-4225
 14737295* +Credit Control Group, 11821 Rock Landing Drive, Newport News, VA 23606-4225
 14737299 ##+Northwest Consumer Discount, 4213 Washington Road, Canonsburg, PA 15317-2565

TOTALS: 2, * 7, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court
 immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: culy
Form ID: pdf900

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Total Noticed: 25

Date Rcvd: Sep 10, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 12, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 10, 2020 at the address(es) listed below:

Alexandra Teresa Garcia on behalf of Creditor FBC Mortgage, LLC ecfmail@mw-c-law.com,
ecfmail@ecf.courtdrive.com
Ann E. Swartz on behalf of Creditor FBC Mortgage, LLC ecfmail@mw-c-law.com,
ecfmail@ecf.courtdrive.com
Charles O. Zebley, Jr. COZ@Zeblaw.com, PA67@ecfcbis.com; Lyndie@Zeblaw.com
James Warmbrodt on behalf of Creditor FBC Mortgage, LLC bkggroup@kmlawgroup.com
Office of the United States Trustee ustpre03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Samuel M. DiFatta on behalf of Debtor Eric Joseph Kaminsky difatta1015@comcast.net,
richard.gainey@comcast.net; difattasr89351@notify.bestcase.com

TOTAL: 7